

## FOREST PRACTICES BOARD PUBLIC HEARINGS

**SUBJECT** Rules for Northern Spotted Owl Habitat Protection  
Proposal affects WAC 222-10-041 and WAC 222-16-010 (see attached)

**DATES, TIMES, PLACES** May 25, 2006, 2:00 p.m.  
Red Lion Hotel  
510 Kelso Drive  
Kelso, Washington

June 1, 2006, 2:00 p.m.  
DNR Region Office  
411 Tillicum Lane  
Forks, Washington

June 6, 2006, 2:00 p.m.  
Red Lion City Center Hotel  
607 East Yakima Avenue  
Yakima, Washington

June 8, 2006, 2:00 p.m.  
Best Western CottonTree Inn  
2300 Market Street  
Mount Vernon, Washington

The purpose of the hearings is for the Washington Forest Practices Board to receive public comment on proposed changes to the forest practices rules (see attached).

Commenters may give oral testimony at the hearings, and/or submit written comments.  
**The commenting deadline is June 9, 2006.**

Please send written comments to:  
Patricia Anderson, FPB Rules Coordinator  
Department of Natural Resources  
Forest Practices Division  
PO Box 47012  
Olympia, WA 98504-7012  
or E-mail: [forest.practicesboard@wadnr.gov](mailto:forest.practicesboard@wadnr.gov)  
Fax: 360.902.1428

Assistance for persons with disabilities contact:  
Forest Practices Division  
360.902.1400 or TDD: 360.902.1125  
By May 12, 2006

## **Proposed Permanent Rule Amendment**

Northern Spotted Owl Conservation

February 8, 2006

### **WAC 222-10-041 Northern spotted owls.**

The following policies shall apply to forest practices subject to SEPA if the forest practices may cause adverse impacts to northern spotted owls.

- (1) **In SOSEAs or areas of SOSEAs where the goal is demographic support**, suitable spotted owl habitat should be maintained either to protect the viability of the owl(s) associated with each northern spotted owl site center or to provide demographic support for that particular SOSEA as described in the SOSEA goals.
- (2) **In SOSEAs or areas of SOSEAs where the goal is dispersal support**, either suitable spotted owl habitat should be maintained to protect the viability of the owl(s) associated with each northern spotted owl site center or dispersal habitat should be managed, over time, to provide the dispersal support for that particular SOSEA as described in the SOSEA goals. Dispersal support is provided by a landscape which includes dispersal habitat at the stand level interspersed with areas of higher quality habitat. Stands of dispersal habitat should be managed to reduce gaps between stands and to maintain a sufficient level of dispersal habitat to meet the SOSEA goals over time.
- (3) **In SOSEAs or areas of SOSEAs where the goal is a combination of dispersal support and demographic support**, either suitable spotted owl habitat should be maintained to protect the viability of the owl(s) associated with each northern spotted owl site center or a variety of habitat conditions should be provided which in total are more than dispersal support and less than demographic support. This can be accomplished by providing:
  - (a) Dispersal support as described in subsection (2) of this section;
  - (b) Areas of suitable spotted owl habitat that contain some opportunities for nesting as well as roosting and foraging habitat; and
  - (c) Connectivity between areas of SOSEAs designated for demographic support or adjacent federal lands which are designated as late successional reserves, congressionally reserved areas, or administratively withdrawn areas.
- (4) **Within SOSEAs**, the following amounts of suitable habitat are generally assumed to be necessary to maintain the viability of the owl(s) associated with each northern spotted owl site center, in the absence of more specific data or a mitigation plan, as provided for in subsections (6) and (7) of this section respectively:
  - (a) All suitable spotted owl habitat within 0.7 mile of each northern spotted owl site center;
  - (b) Including the suitable spotted owl habitat identified in (a) of this subsection:
    - (i) For the Hoh-Clearwater/Coastal Link SOSEA - A total of 5,863 acres of suitable spotted owl habitat within the median home range circle (2.7 mile radius).
    - (ii) For all other SOSEAs - A total of 2,605 acres of suitable spotted owl habitat within the median home range circle (1.8 mile radius).

The department shall first identify the highest quality suitable spotted owl habitat for this purpose. Consideration shall be given to habitat quality, proximity to the activity center and contiguity in selecting the most suitable habitat. Suitable spotted owl habitat identified outside 0.7 mile of a northern spotted owl site center may support more than one median home range circle.

~~Suitable spotted owl habitat harvested by a landowner shall continue to be counted as part of the total acres necessary under (b) of this subsection for other landowners within the median home range circle if the harvest is conducted pursuant to agreements or plans approved under subsection (6) of this section or WAC 222-16-080 (1)(h)(iv), (6)(a)(iv), or (f).~~

- (5) **Outside SOSEAs**, during the nesting season (between March 1 and August 31), seventy acres of the highest quality suitable spotted owl habitat surrounding a northern spotted owl site center should be maintained. The seventy acres for one site center shall not be utilized for meeting suitable habitat needs of any other site center.
- (6) The assumptions set forth in subsection (4) of this section are based on regional data. Applicants or others may submit information that is more current, accurate, or specific to a northern spotted owl site center, proposal, or SOSEA circumstances or goals. The department shall use such information in making its determinations under this section where the department finds, in consultation with the department of fish and wildlife, that the information is more likely to be valid for the particular circumstances than the assumptions established under subsection (4) of this section. If the department does not use the information, it shall explain its reasons in writing to the applicant.
- (7) The department shall consider measures to mitigate identified adverse impacts of an applicant's proposal. Mitigation measures must contribute to the achievement of SOSEA goals or to supporting the viability of impacted northern spotted owl site centers.

#### **WAC 222-16-010 \*General definitions**

...

**"Northern spotted owl site center" means:**

- (1) Until June 30, 2007, the location of northern spotted owls:
  - (a) Recorded by the department of fish and wildlife as status 1, 2 or 3 on November 1, 2005; or
  - (b) Newly discovered and recorded by the department of fish and wildlife as status 1, 2 or 3 after November 1, 2005.
- (2) After June 30, 2007, the location of status 1, 2 or 3 northern spotted owls based on the following definitions:
  - Status 1: Pair or reproductive - a male and female heard and/or observed in close proximity to each other on the same visit, a female detected on a nest, or one or both adults observed with young.
  - Status 2: Two birds, pair status unknown - the presence or response of two birds of opposite sex where pair status cannot be determined and where at least one member meets the resident territorial single requirements.
  - Status 3: Resident territorial single - the presence or response of a single owl within the same general area on three or more occasions within a breeding season with no response by an owl of the opposite sex after a complete survey; or three or more responses over several years (i.e., two responses in year one and one response in year two, for the same general area).

In determining the existence, location, and status of northern spotted owl site centers, the department shall consult with the department of fish and wildlife and use only those sites documented in substantial compliance with guidelines or protocols and quality control methods established by and available from the department of fish and wildlife.